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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,607	04/14/2005	Lucas Leo Desiree Van Der Poel	NL 030087	8239

24737 7590 12/09/2005

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

PECHHOLD, ALEXANDRA K

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/531,607

Applicant(s)VAN DER POEL, LUCAS LEO
DESIREE**Examiner**

Alexandra K. Pechhold

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use. Applicant's Specification lacks these recommended headings listed below, and they should be inserted as appropriate.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. **Claims 1, 2, and 5-9 are rejected under 35 U.S.C. 102(a) as being anticipated by Pas (US 2002/0006313 A1).**

Regarding claim 1, Pas discloses a road marking system (see embodiment in fig. 4b of Pas) comprising at least one lighting module (seen as LEDs 14 in plastic component 13), wherein the module is provided with coupling means (seen as connection terminals 12 with sharp connectors 15) for coupling an electrical conductor (seen as insulated cables 11) provided in the road surface (seen as asphalt concrete 18) and the module to one another.

Regarding claim 2, the electrical conductor (seen as insulated cables 11) is provided in a cable duct (seen as the channels through which the cables 11 extend in the underside of component 13) which is provided with an opening (seen as the location where a connection terminal with sharp connectors 15 is inserted within the channel) for the passage of the coupling means at the area of the lighting module.

Regarding claim 5, Pas discloses a lighting module (seen as LEDs 14 in plastic component 13) capable of being used in a road marking system as discussed with respect to claim 1 above.

Regarding claim 6, Pas discloses a road surface (seen as the top of asphalt concrete layer 18 in Fig. 4b) provided with a road marking system as discussed with respect to claim 1 above.

Regarding claim 7, Pas discloses the road marking system as discussed with respect to claim 1 above, and furthermore discloses the method of providing at least one electrical conductor (seen as insulated cables 11) in the road surface (seen as asphalt concrete 18), providing at least one lighting module (seen as LEDs 14 in plastic component 13) in the road surface, and connecting the lighting module and the electrical conductor to one another (since they are connected through the use of sharp connectors 15 seen in Figs. 4a and 4b).

Regarding claim 8, the electrical conductor is provided in a cable duct (seen as the channels through which the cables 11 extend in the underside of component 13) which is provided with an opening (seen as the location where a connection terminal with sharp connectors 15 is inserted within the channel) for the passage of the coupling means at the area of the lighting module.

Regarding claim 9, Pas discloses a milled recess (20) in an existing VOAC road surface (21) (see paragraph [0070]). The opening that is created to serve the connection terminal with sharp connectors (15) is most likely and practicably provided before the lighting module is mounted.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 3, 4, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pas (US 2002/0006313 A1).**

Regarding claim 3, Pas discloses the road surface as comprising a first asphalt layer (seen as asphalt concrete layer 18 in Fig. 4b), but fails to disclose a second asphalt layer situated below the first, the cable duct being provided in the second layer. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the single layer of asphalt concrete (18) of Pas to comprises two such layers, thereby having the cable duct in the second bottom layer, since asphalt often comprises various layers, and furthermore it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

Regarding claim 4, Pas discloses layer (18) as very open asphalt concrete (paragraph [0065]).

Regarding claim 10, Pas fails to disclose when the opening that creates the space for the connection terminals that contain the sharp connectors (15) is made. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Pas so that the opening that creates the space for

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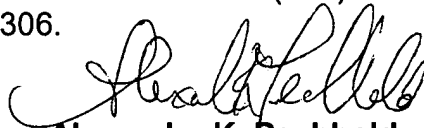
the connection terminals containing the sharp connectors (15) is created while the sawcut is being provided in the road surface, since the timing of when the openings in the underside of the plastic component (13) are created so that the connection terminals and sharp connectors (15) can be inserted in relation to when the road is milled is irrelevant to the purpose and function of the road marking system in its final state of use.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (571) 272-6994. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (571) 272-6998. The fax phone number for this Group is (703) 872-9306.



Alexandra K. Pechhold
Patent Examiner
Group 3600

AKP
11/30/05